THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 16572 of 2005

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Dated : 31.08.2005

Between:

Jagathi Vishnu bhanu Prasad, S/o. thimmaraju,
R/o. Purushottapalli, Nidadavole Mandalam,
W.G.District.

..... PETITIONER

AND

Govt of A.P., rep. by its Principal Secretary,
Revenue (Endowments) Department,
Secretariat, Saifabad, Hyderabad and others.

… **RESPPONDENTS**

ORDER:

Seeking a declaration that the action of the third respondent-Executive Officer, Sri Jogi Jagannadha Bahadur Panthulu Choultry, Rajanagaram, East Godavari District in proposing to conduct auction in respect of the land admeasuring Ac.4.95 cents in R.S.No. 245 of Tyajampudi village belonging to Sri Jogi Jagannadha Bahadur Panthulu Choultry, Rajanagarm without following due process of law is arbitrary and illegal, this writ petition is filed.

The case of the petitioner is that he is the cultivating tenant in respect of the land in question for the past 25 years. He is a small farmer within the meaning of Section 82 of Andhra Pradesh Charitable and Hindu religious Institutions and Endowments Act, 1987 (for short "the Act") and entitled to the benefits of G.O.Ms.No.379. The Division Bench of this Court, while upholding the validity of the rules framed under G.O.Ms.No. 379, directed the authorities concerned to conduct an enquiry under Rule 3 of the said rules so as to ascertain whether the existing tenant is a small farmer or not by issuing a notice under Rule 4 of the rules.

The grievance of the petitioner is that without issuing any notice and conducting enquiry as per the directions of the Division Bench of this Court, the third respondent proposed to conduct auction on 28.07.2005 and tom tom was made in the village on 23.07.2005 for public auction, despite the representation of the petitioner, dated 17.10.2004. Hence this writ petition.

Heard learned counsel for the petitioner and the learned Government Pleader for Endowments appearing for respondents 1 and 2 and the learned Standing Counsel appearing for the third respondent.

Learned standing counsel appearing for the third respondent submits that no notification was issued to conduct the auction and therefore, there is no cause of auction in this writ petition.

Recording the submission of the learned standing counsel appearing for the third respondent, the writ petition is dismissed. No costs.

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31.08.2005

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